

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

196B0663

SENATE BILL NO. 198

Introduced by: Senators Daugaard and Everist and Representatives Brown (Jarvis), Collier, Duniphan, and Gleason

1 FOR AN ACT ENTITLED, An Act to provide for the establishment of certain rights and
2 privileges with regard to mediation proceedings.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. All verbal or written information relating to the subject matter of a mediation
5 which is transmitted between any party to a dispute and a mediator or any agent, employee, or
6 representative of a party or a mediator is confidential. Any mediation proceeding shall be
7 regarded as settlement negotiations, and no admission, representation, or statement made in
8 mediation not otherwise discoverable is admissible as evidence or subject to discovery. A
9 mediator is not subject to process requiring the disclosure of any material matter discussed
10 during the mediation proceeding unless all the parties consent to a waiver. A meeting held to
11 further the resolution of a dispute may be closed to the public at the discretion of the mediator.
12 This section does not apply if a party brings an action against the mediator or if the
13 communication was made in furtherance of a crime or fraud. This section does not apply to
14 mediations conducted pursuant to chapter 25-4.